UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,571	04/07/2000	Rajeev Chawla	06502.0177	1838

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EXAMINER
FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 09/545,571	**Applicant(s)** CHAWLA ET AL.	
	Examiner Derrick W. Ferris	**Art Unit** 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46,48-56,58-66,68-76 and 78-80* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *41-46,48-56,58-66,68-76 and 78-80* is/are allowed.

6)☒ Claim(s) *1-6,8-16,18-26,28-36 and 38-40* is/are rejected.

7)☒ Claim(s) *7,17,27 and 37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6)☐ Other: _____ .

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 06/10/2004 has been entered.

Response to Amendment

2.   **Claims 1-46, 48-56, 58-66, 68-76, and 78-80** as amended are still in consideration for

this application. Applicant has amended claims 1,7, 11, 17, 21, 27, 31, and 37.

3.   Examiner does **not withdraw** the obviousness rejection to *Templin* in view of *Aviani*, and

Templin in view of *Aviani* and in further view of *Coile* for Office action filed 06/10/04. At issue

are the following limitations:

"determining a destination address corresponding to the destination *based on the client

address*" and

"determining a client address corresponding to the client *based on the destination

address*".

It appears applicant's claim interpretation and arguments appear to be invalid with respect to

applicant's figures. With respect to e.g., independent claim 1, see applicant's figure 12 where a

first packet 210 is a non-sync packet sent from client 22 to router 16 and where router 16 and

proxy server 14 appear to be combined to form an "intermediate entity" as supported without

much description in applicant's figure 16. Here it appears a second packet 214 is further defined

as being sent from the proxy server 14, which is combined with the router 16 to form the

"intermediate entity", to origin server 10 or the "destination" as evidence by the further

limitation "sending the second packet to the destination using the destination address". Figure

12 is the representative figure out of figures 10-15 since in figure 10 the second packet does not

reach the origin server 10 or destination and/or the acknowledgment packet 184 is already set to

the client address (i.e., figures 10, 11, 14 and 15 already show that the destination address is set

by the destination such that a client address can not be determined as further recited by

"determining a client address corresponding to the client based on the destination address"). As

such, applicant appears to argue packet 212 in figure 12 as a second packet. This cannot be the

case as packet 212 does not reach the destination or origin server 10 as recited by "sending the

second packet *to the destination* using the destination address". Instead packet 214 reaches the

destination or origin server 10. Thus packet 214 must be a second packet. Using the above

interpretation, contrasting packets 210 (i.e., a first packet) and 214 (i.e., a second packet) it is

noted that the destination address remains the same and the source address changes.

Specifically, a source address changes from a client address to the address of a proxy server. The

destination address does not change thus the further limitation determination a destination

address corresponding to the destination based on the client address may not be clear from

applicant's arguments in light of figure 12. As such, examiner also assumes a reasonable but

broad interpretation of "corresponding to the destination based on the client address". In

particular, using figure 5 of *Templin* as one example, it is also noted that the source address

changes yet the destination remains the same. In particular, a client is shown as the trusted host

A, an intermediate entity is shown as gateway B, and a destination is shown as host C.

Furthermore, in figure 12 the return packet or acknowledgment packet shows that the destination

address changes yet the source address remains the same. This is also constant with figure 5 of

Templin where the source address remains the same (i.e., address C) yet the destination address

changes. Hence the claim limitation is met using a reasonable but broad interpretation.

The examiner fully understands the references used in the rejection, however, the

examiner may not clearly understand applicant's amendment to the claims with respect to a

determining step because applicant has failed to provide support for applicant's amendments. In

fact, examiner notes there may be a new matter issue with respect to applicant's claim

amendment (since applicant appears to argue that a second packet is packet 212 which does not

reach a destination) which is why the applicant should always provide support when amending

the disclosure (i.e., claims) as mentioned in the bottom section of MPEP 714.02. In particular,

the only figure that appears to support applicant's arguments is figure 12 as mentioned above.

Applicant is reminded that the figures must show each and every claim limitation. Thus in

concluding, it is recommended that applicant further clarify in the claims a step of determining as

well as provide support for applicant's amendment by (1) clearly pointing out in the figures a

first and second packet as well as an acknowledgment packet and (2) providing support for the

amendment so that the examiner can better understand the context of applicant's argument.

Until then the examiner maintains the rejection for the reasons stated above.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 1, 3-6, 9-10, 11, 13-16, 19-20, 21, 23-26, 29-30, 31, 33-36, and 39-40** are

rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,781,550 A to

Templin et al. to ("*Templin*") in view of U.S. Patent No. 6,532,493 B1 to *Aviani, Jr. et al.*

("*Aviani*").

As to **claim 1**, *Templin* discloses a transparent and secure gateway (i.e.,

transparent proxy) shown as e.g., gateway B in figure 5. With respect to the limitations,

establishing a first and second sessions are taught at e.g., column 8, lines 24-36.

Receiving a first packet is shown in figure 5 for packet 501. A second packet is created

shown as packet 502 where the second packet is sent using the destination address (e.g.,

see column 7, lines 23-31). A response is received as packet 503 in figure 5. A further

step of determining a client address based on the destination address and sending a

response back to the client is shown as packet 504.

Templin may be silent or deficient to the further limitation determining a

destination address corresponding to the destination based on the client. Examiner notes

given a reasonable but broad interpretation "determined" *Templin* does teach determining

a destination address (e.g., when the destination address C used in the example since the

determined destination is based on the client packet/address). In particular, see column 7,

lines 23-30 and column 8, lines 9-13 of *Templin*. For example, an address may be

determined based on whether a session is already established or not. Assuming,

arguendo, that "determining" is not clearly taught by *Templin* then examiner notes the

obviousness rejection as follows.

Aviani teaches the further recited limitation above at e.g., column 6, line 1 –

column 7, line 16.

Examiner notes that it would have been obvious to one skilled in the art prior to

applicant's invention to include determining a destination address corresponding to the

destination based on the client.   In particular, one would be motivated to determine an

address based on whether a previous connection/session is established. The suggestion or

motivation for doing so would have been whether there is information already found in

the cache.   In particular, *Aviani* cures the above-cited deficiency by providing a

motivation found at e.g., column 6, lines 1-5; column 6, lines 37-50 and column 6, line 64

– column 7, line 16.

As to **claim 3**, see e.g., figure 5 of *Templin*.

As to **claim 4**, see e.g., *Aviani* column 6, line 1 – column 7, line 16.

As to **claim 5**, see e.g., *Templin* column 6 and column 8.

As to **claim 6**, see e.g., figure 5 and column 8, lines 39-63 of *Templin*.

As to **claims 9-10**, see column 5, line 53- column 6, line 4 of *Aviani*.

As to **claim 11**, see similar rejection for claim 1.

As to **claim 13**, see similar rejection for claim 3.

As to **claim 14**, see similar rejection for claim 4.

As to **claim 15**, see similar rejection for claim 5.

As to **claim 16**, see similar rejection for claim 6.

As to **claim 19**, see similar rejection for claim 9.

As to **claim 20**, see similar rejection for claim 10.

As to **claim 21**, see similar rejection for claim 1.

As to **claim 23**, see similar rejection for claim 3.

As to **claim 24**, see similar rejection for claim 4.

As to **claim 25**, see similar rejection for claim 5.

As to **claim 26**, see similar rejection for claim 6.

As to **claim 29**, see similar rejection for claim 9.

As to **claim 30**, see similar rejection for claim 10.

As to **claim 31**, see similar rejection for claim 1.

As to **claim 33**, see similar rejection for claim 3.

As to **claim 34**, see similar rejection for claim 4.

As to **claim 35**, see similar rejection for claim 5.

As to **claim 36**, see similar rejection for claim 6.

As to **claim 39**, see similar rejection for claim 9.

As to **claim 40**, see similar rejection for claim 10.

6.   **Claims 2, 8, 12, 18, 22, 28, 32, and 38** are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 5,781,550 A to *Templin et al.* to ("*Templin*") in view of U.S.

Patent No. 6,532,493 B1 to *Aviani, Jr. et al.* ("*Aviani*") in further view of U.S. Patent No.

6,473,406 B1 to *Coile et al.* ("*Coile*").

As to **claim 2**, a step of intercepting may not be clearly taught by *Templin* in

reference to a first and second type. In particular, see column 5, lines 9-24 and column 6,

lines 10-67 of *Templin*.

Coile teaches the further recited limitation above at e.g., column 8, line 10 – 22.

Examiner notes that it would have been obvious to one skilled in the art prior to

applicant's invention to include forwarding the first packet to the destination if the

destination is a first type and performing the steps of determining a destination address,

creating a second packet, and sending the second packet if the destination is a second

type.   In particular, one would be motivated to determine the type of a packet to see if a

session has been previously established or to see if the packet belongs on a specific

network.   In particular, *Coile* cures the above-cited deficiency by providing a motivation

found at column 8, line 10 – 22 and column 8, lines 64-66.

As to **claim 8**, *Templin* may be silent or deficient to the further step of storing the

address of an intermediate destination in a destination field when the client

communication is not a connection setup request.

Coile teaches the further recited limitation above at e.g., column 8, line 10 – 22

and column 9, lines 34-67. Examiner notes that it would have been obvious to one skilled

in the art prior to applicant's invention to include a step of storing the address of an

intermediate destination in a destination field when the client communication is not a

connection setup request.   In particular, one would be motivated to store a connection to

further expedite the handling of a packet.   In particular, *Coile* cures the above-cited

deficiency by providing a motivation found at column 8, line 10 – 22 and column 9, lines

34-67.

As to **claim 12**, see similar rejection for claim 3.

As to **claim 18**, see similar rejection for claim 8.

As to **claim 22**, see similar rejection for claim 3.

As to **claim 28**, see similar rejection for claim 8.

As to **claim 32**, see similar rejection for claim 3.

As to **claim 38**, see similar rejection for claim 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF

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